

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Daniel Barsanti, et al.,

10 Plaintiffs,

11 v.

12 Cameron DeLoach, et al.,

13 Defendants.
14

No. CV-25-00303-PHX-KML

ORDER

15 There are no longer any pending claims based on federal law and the parties admit
16 they are not completely diverse. *See Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067
17 (9th Cir. 2001) (diversity jurisdiction requires “each of the plaintiffs must be a citizen of a
18 different state than each of the defendants”). The parties state they “would appreciate the
19 Court’s guidance and consideration of the First Amended Complaint along with the parties’
20 Answers,” but they do not explain how the court would have jurisdiction to do so. (Doc.
21 52 at 2.) The parties also state they “do not object” to a “remand [of] this matter to the State
22 of Arizona Superior Court, Maricopa County.” (Doc. 52 at 2.) The original complaint was
23 filed in federal court in the Northern District of California. “[B]ecause this action was never
24 filed in state court and removed to federal court, it cannot be ‘remanded’—only cases that
25 have been removed from a given court can be remanded to that court.” *Wittner v. Banner*
26 *Health*, 720 F.3d 770, 781 (10th Cir. 2013). So instead of remand, the court must dismiss
27 all claims without prejudice to their refiling in state court.

28 Accordingly,

1 **IT IS ORDERED** all claims are **DISMISSED WITHOUT PREJUDICE**. The
2 Clerk of Court shall close this case.

3 Dated this 23rd day of May, 2025.

4
5
6 
7 **Honorable Krissa M. Lanham**
8 **United States District Judge**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28